



**EXECUTIVE ORDER D-34-01**  
by the  
Governor of the State of California

**WHEREAS**, on January 17, 2001, I proclaimed a State of Emergency to exist due to the energy shortage in the State of California; and

**WHEREAS**, there is a high probability that the shortage of electricity will continue to cause rolling blackouts throughout California affecting millions; and

**WHEREAS**, significant conservation efforts are needed to mitigate the effects of this emergency; and

**WHEREAS**, the funding from the peak load reduction programs of the California Energy Commission must be awarded as soon as possible in order to achieve megawatt savings in the summer of 2001.

**NOW, THEREFORE, I, Gray Davis**, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby issue this order to become effective immediately:

**IT IS ORDERED** that the California Energy Resources Conservation and Development Commission (hereinafter "Energy Commission") shall expedite the award of funding from the peak load reduction programs: AB 970 (section 25555 of the Public Resources Code); SBX1 5 (2001 Extraordinary Session); and ABX1 29 (2001 Extraordinary Session) (including the State Energy Conservation Assistance Act, commencing with section 25410 of the Public Resources Code). The Energy Commission is authorized to suspend or modify regulatory or procedural requirements for awarding peak load reduction program contract, grant and loan funds to the extent that the Energy Commission finds that they would prevent, hinder or delay mitigation of the effects of the emergency.

**IT IS FURTHER ORDERED** that the Energy Commission shall have the authority, with approval of the Department of Finance, to modify or suspend regulatory or procedural requirements for payment of funds under the peak load reduction programs, to the extent that the Energy Commission finds that they would prevent, hinder or delay mitigation of the effects of this emergency. The Energy Commission, however, shall continue to maintain fiscal responsibility for the peak load reduction programs.

**IT IS FURTHER ORDERED** that the Energy Commission may contract for the services of necessary qualified contractors to perform functions needed to promptly award funding from the peak load reduction programs. The Energy Commission is authorized to enter into such contracts as expeditiously as possible and for this purpose shall be exempt from the provisions of the Government Code and the Public Contract Code, and all related regulations, rules and policies applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, to the extent that the Energy Commission finds that they would prevent, hinder, or delay the mitigation of the effects of this emergency.

**IT IS FURTHER ORDERED** that the Energy Commission shall have the authority to suspend SBX1 5 (2001 Extraordinary Session) section 5 subdivision (c), ABX1 29 (2001 Extraordinary Session) section 14 subdivision (f) and the guidelines adopted pursuant to Public Resources Code section 25555 to the extent that the Energy Commission finds that they would prevent, hinder or delay the mitigation of the effects of this emergency.

**IT IS FURTHER ORDERED** that the Energy Commission shall delegate to a committee, selected by the Chair of the Energy Commission pursuant to Public Resources Code section 25211, approval of all peak load reduction program contracts, grants and loans. With the approval of the Department of Finance, the Committee may also reallocate funds between programs.

**IT IS FURTHER ORDERED** that the notice requirements of the Bagely-Keene Open Meeting Act (Government Code sections 11120-11132) are suspended to the extent that the Energy Commission finds they would prevent, hinder or delay the award of contracts, grants or loans pursuant to the Energy Commission's peak load reduction programs as needed for the prompt mitigation of the effects of this emergency.

**IT IS FURTHER ORDERED** that this order shall expire on March 31, 2002, unless extended or terminated earlier by a subsequent Executive Order.

The activities herein are authorized to be carried out pursuant to the Emergency Services Act, Government Code Sections 8550 et. seq., as necessary to mitigate the effects of the emergency.

**I FURTHER DIRECT** that as soon as hereafter possible, this order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this order.

**IN WITNESS WHEREOF**, I have hereunto set my hand  
and caused the Great Seal of California to be affixed this  
26th day of April 2001.

Governor of California

**ATTEST:** Secretary of State

